

By: Ellis

S.B. No. 609

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the payment of higher education tuition and fees for  
3 certain military personnel and their dependents.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 54.058, Education Code, is amended by  
6 amending Subsections (b), (c), (d), (f), (g), (i), and (j) and by  
7 adding Subsections (b-1) and (k) to read as follows:

8 (b) A person who is an officer, enlisted person, selectee,  
9 or draftee of the Army, Army Reserve, Army National Guard, Air  
10 National Guard, Air Force, Air Force Reserve, Navy, Navy Reserve,  
11 Marine Corps, Marine Corps Reserve, Coast Guard, or Coast Guard  
12 Reserve of the United States, who is assigned to duty in Texas, and  
13 the spouse and children of such an officer, enlisted person,  
14 selectee, or draftee, ~~[are entitled to register in a state  
15 institution of higher education by paying the tuition fee and other  
16 fees or charges required of Texas residents,]~~ without regard to the  
17 length of time the officer, enlisted person, selectee, or draftee  
18 has been assigned to duty or resided in the state:

19 (1) are entitled to register in a state institution of  
20 higher education by paying the tuition required of Texas residents;  
21 and

22 (2) are exempt from the payment of all fees of the  
23 institution, including fees for correspondence courses but  
24 excluding property deposit fees and any fees or charges for

1 lodging, board, or clothing.

2       **(b-1) Out-of-state** [~~However, out-of-state~~] Army National  
3 Guard or Air National Guard members attending training with Texas  
4 Army or Air National Guard units under National Guard Bureau  
5 regulations may not receive benefits under Subsection (b) [~~be~~  
6 ~~exempted from nonresident tuition~~] by virtue of that training  
7 status nor may out-of-state Army, Air Force, Navy, Marine Corps, or  
8 Coast Guard Reserves training with units in Texas under similar  
9 regulations receive benefits under Subsection (b) [~~be exempted from~~  
10 ~~nonresident tuition~~] by virtue of that training status. It is the  
11 intent of the legislature that [~~only~~] those members of the Army or  
12 Air National Guard or other reserve forces described by this  
13 subsection receive benefits under Subsection (b) [~~mentioned above~~  
14 ~~be exempted from the nonresident tuition fee and other fees and~~  
15 ~~charges~~] only when they become members of Texas units of the  
16 military organizations described by Subsection (b) [~~mentioned~~  
17 ~~above~~].

18       (c) The spouse or child of a member of the Armed Forces of  
19 the United States who has been assigned to duty elsewhere  
20 immediately following assignment to duty in Texas is entitled to  
21 receive the benefits described by Subsection (b) [~~pay the tuition~~  
22 ~~fees and other fees or charges provided for Texas residents~~] as long  
23 as the spouse or child resides continuously in Texas.

24       (d) A spouse or dependent child of a member of the Armed  
25 Forces of the United States, who is not assigned to duty in Texas  
26 but who has previously resided in Texas for a six-month period, is  
27 entitled to receive the benefits described by Subsection (b) [~~pay~~

1 ~~the tuition fees and other fees or charges provided for Texas~~  
2 ~~residents]~~ for a term or semester at an institution of higher  
3 education if the member:

4 (1) at least one year preceding the first day of the  
5 term or semester executed a document with the applicable military  
6 service that is in effect on the first day of the term or semester  
7 and that:

8 (A) indicates that the member's permanent  
9 residence address is in Texas; and

10 (B) designates Texas as the member's place of  
11 legal residence for income tax purposes;

12 (2) has been registered to vote in Texas for the entire  
13 year preceding the first day of the term or semester; and

14 (3) satisfies at least one of the following  
15 requirements:

16 (A) for the entire year preceding the first day  
17 of the term or semester has owned real property in Texas and in that  
18 time has not been delinquent in the payment of any taxes on the  
19 property;

20 (B) has had an automobile registered in Texas for  
21 the entire year preceding the first day of the term or semester; or

22 (C) at least one year preceding the first day of  
23 the term or semester executed a will that has not been revoked or  
24 superseded indicating that the member is a resident of this state  
25 and deposited the will with the county clerk of the county of the  
26 member's residence under Section 71, Texas Probate Code.

27 (f) The spouse or child of a member of the Armed Forces of

1 the United States who dies or is killed is entitled to receive the  
2 benefits described by Subsection (b) [~~pay the resident tuition fee~~]  
3 if the spouse or child becomes a resident of Texas within 60 days of  
4 the date of death.

5 (g) If a member of the Armed Forces of the United States is  
6 stationed outside Texas and the member's spouse or child  
7 establishes residence in Texas by residing in Texas and by filing  
8 with the Texas institution of higher education at which the spouse  
9 or child plans to register a letter of intent to establish residence  
10 in Texas, the institution of higher education shall permit the  
11 spouse or child to receive the benefits described by Subsection (b)  
12 [~~pay the tuition, fees, and other charges provided for Texas~~  
13 ~~residents~~] without regard to length of time that the spouse or child  
14 has resided in Texas.

15 (i) A former member of the Armed Forces of the United States  
16 or the former member's spouse or dependent child is entitled to  
17 receive the benefits described by Subsection (b) [~~pay the tuition~~  
18 ~~fees and other fees or charges provided for Texas residents~~] for any  
19 term or semester at a state institution of higher education that  
20 begins before the first anniversary of the member's separation from  
21 the Armed Forces if the former member:

22 (1) has retired or been honorably discharged from the  
23 Armed Forces; and

24 (2) has complied with the requirements of Subsection  
25 (d).

26 (j) A member of the Armed Forces of the United States or the  
27 child or spouse of a member of the Armed Forces of the United States

1 who is entitled to receive the benefits described by Subsection (b)  
2 [~~pay tuition and fees at the rate provided for Texas residents~~]  
3 under another provision of this section while enrolled in a degree  
4 or certificate program is entitled to receive those benefits [~~pay~~  
5 ~~tuition and fees at the rate provided for Texas residents~~] in any  
6 subsequent term or semester while the person is continuously  
7 enrolled in the same degree or certificate program. For purposes of  
8 this subsection, a person is not required to enroll in a summer term  
9 to remain continuously enrolled in a degree or certificate program.  
10 The person's eligibility to receive those benefits [~~pay tuition and~~  
11 ~~fees at the rate provided for Texas residents~~] under this  
12 subsection does not terminate because the person is no longer a  
13 member of the Armed Forces of the United States or the child or  
14 spouse of a member of the Armed Forces of the United States.

15 (k) For each semester or session in which a person receives  
16 the benefits described by Subsection (b) under any provision of  
17 this section, the governing board of the institution of higher  
18 education in which the person is enrolled shall award to the person  
19 a scholarship to cover the costs of books and similar educational  
20 materials required for the person's course work at the institution.

21 SECTION 2. Section 54.203, Education Code, is amended by  
22 amending Subsections (a), (b), and (d) and adding Subsections  
23 (a-1), (b-1), and (b-2) to read as follows:

24 (a) The governing board of each institution of higher  
25 education shall exempt the following persons from the payment of  
26 all dues, fees, and charges, including fees for correspondence  
27 courses but excluding property deposit fees [~~student services~~

1 ~~fees,~~] and any fees or charges for lodging, board, or clothing,  
2 provided the person [~~persons~~] seeking the exemption declared this  
3 state as the person's home of record in the manner provided by the  
4 applicable military or other service [~~exemptions were citizens of~~  
5 ~~Texas~~] at the time the person [~~they~~] entered the service [~~services~~  
6 ~~indicated~~] and has [~~have~~] resided in this state [~~Texas~~] for at least  
7 the period of 12 months before the date of registration:

8 (1) all nurses and honorably discharged members of the  
9 armed forces of the United States who served during the  
10 Spanish-American War or during World War I;

11 (2) all nurses, members of the Women's Army Auxiliary  
12 Corps, members of the Women's Auxiliary Volunteer Emergency  
13 Service, and all honorably discharged members of the armed forces  
14 of the United States who served during World War II except those who  
15 were discharged from service because they were over the age of 38 or  
16 because of a personal request on the part of the person that he be  
17 discharged from service;

18 (3) all honorably discharged men and women of the  
19 armed forces of the United States who served during the national  
20 emergency which began on June 27, 1950, and which is referred to as  
21 the Korean War; and

22 (4) all persons who were honorably discharged from the  
23 armed forces of the United States after serving on active military  
24 duty, excluding training, for more than 180 days and who served a  
25 portion of their active duty during:

26 (A) the Cold War which began on the date of the  
27 termination of the national emergency cited in Subdivision (3) of

1 this subsection;

2 (B) the Vietnam era which began on December 21,  
3 1961, and ended on May 7, 1975;

4 (C) the Grenada and Lebanon era which began on  
5 August 24, 1982, and ended on July 31, 1984;

6 (D) the Panama era which began on December 20,  
7 1989, and ended on January 21, 1990;

8 (E) the Persian Gulf War which began on August 2,  
9 1990, and ends on the date thereafter prescribed by Presidential  
10 proclamation or September 1, 1997, whichever occurs first;

11 (F) the national emergency by reason of certain  
12 terrorist attacks that began on September 11, 2001; or

13 (G) any future national emergency declared in  
14 accordance with federal law.

15 (a-1) A person who received an exemption provided by  
16 Subsection (a) in the 2006-2007 academic year continues to be  
17 eligible for the exemption provided by that subsection as long as  
18 the person is continuously enrolled in an institution of higher  
19 education, subject to the other provisions of this section other  
20 than the requirement of Subsection (a) that the person must have  
21 declared this state as the person's home of record at the time of  
22 entering the service.

23 (b) The exemptions provided for in Subsection (a) [~~of this~~  
24 ~~section~~] also apply [~~and inure~~] to the spouse and [~~benefit of the~~  
25 children of members of the armed forces of the United States who are  
26 or were killed in action, who die or died while in service, who are  
27 missing in action, or whose death is documented to be directly

1 caused by illness or injury connected with service in the armed  
2 forces of the United States, and to the spouse and children [~~benefit~~  
3 ~~of orphans~~] of members of the Texas National Guard and the Texas Air  
4 National Guard killed since January 1, 1946, while on active duty  
5 either in the service of their state or the United States. To  
6 [~~However, to~~] qualify for this exemption a person must [~~be a citizen~~  
7 ~~of Texas and must~~] have resided in this [~~the~~] state for at least 12  
8 months immediately preceding the date of the person's registration.

9 (b-1) For each semester or session in which a person  
10 receives an exemption from tuition and required fees under this  
11 section, the governing body of the institution of higher education  
12 in which the person is enrolled shall exempt the person from the  
13 payment of fees and charges for lodging and board if the person  
14 resides on the campus of the institution. If the person does not  
15 reside on the campus of the institution, the institution shall  
16 provide to the person a reasonable stipend to cover the costs of the  
17 person's lodging and board.

18 (b-2) For each semester or session in which a person  
19 receives an exemption from tuition and required fees under this  
20 section, the governing body of the institution of higher education  
21 in which the person is enrolled shall award to the person a  
22 scholarship to cover the costs of books and similar educational  
23 materials required for course work at the institution.

24 (d) The governing board of each institution of higher  
25 education granting an exemption under this section [~~exemptions~~]  
26 shall require every applicant claiming the [~~benefit of an~~]  
27 exemption to submit satisfactory evidence that the applicant

1 qualifies for [~~he fulfills~~] the exemption [~~necessary citizenship~~  
2 ~~and residency requirements~~].

3 SECTION 3. The change in law made by this Act applies  
4 beginning with tuition and fees for the 2007 fall semester. Tuition  
5 and fees for a term or semester before the 2007 fall semester are  
6 covered by the law in effect immediately before the effective date  
7 of this Act, and the former law is continued in effect for that  
8 purpose.

9 SECTION 4. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2007.